PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| Applicant: | Marvin A. Wallace |) Atty. Dkt. No. 8328.001 |
|-------------|-----------------------|---------------------------|
| Serial No.: | Not Yet Assigned |) |
| Filed: | Herewith | , |
| For: | TRENCH FILLING DEVICE |) |

Box Patent Application Commissioner for Patents Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

Statement

| 1. | [X] | Preliminary Statements |
|----|-----|--|
| 2. | [X] | Forms PTO/SB/08A and 08B (formerly Form PTO-1449) |
| 3. | [] | Statement as to Information Not Found in Patents or Publications |
| 4. | [] | Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted |
| 5. | [] | Cumulative Patents or Publications |
| 6. | [X] | Copies of Listed Information Items Accompanying this |

- 7. [] Concise Explanation of Non-English Language Listed Information Items
 7A. [] EPO Search Report
 7B. [] English Language Version
 8. [] Translation(s) of Non-English Language Documents
- 9. [] Concise Explanation of English Language Listed Information Items (Optional)
- 10. [X] Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)

- [X] A completed Form PTO/SB/08A and/or Form PTO/SB/08B is attached hereto.
- Section 3. Statement as to Information Not Found in Patents or Publications (Information Not Listed in Form PTO-1449)
- Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

| | region relies, under 35 0.5.C. § 120, on the earlier filing date of prior terial No, filed on (date). |
|-------------|---|
| | (complete the following, if applicable) |
| [] | This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No, filed on (date). |
| | ollowing references were submitted to, and/or cited by, the Office in the prior) and therefore, are not required to be provided in this application: |
| Section 5. | Cumulative Patents or Publications |
| | STATEMENT |
| 1449: | _ is cumulative of the following patents or publications listed on Form PTO- |
| | e with 37 C.F.R. § 1.98(c), a copy of only is being submitted with this Disclosure Statement. |
| Section 6. | Copies of Listed Information Items Accompanying this Statement |
| | e copies of all items listed in Form PTO-1449 (Modified) accompany this lisclosure statement. |
| [] | Exception(s) to above: |
| | [] Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4. |
| | [] Cumulative patents or publications identified in Section 5. |
| | |
| Section 7. | Concise Explanation of Non-English Language Listed Information Items |
| Section 7A. | Concise Explanation of Non-English Language Listed Information Items - EPO Search Report |

3

The relevance with respect to the following citations listed on Form PTO-1449:

is submitted on the basis of accompanying:

(check the appropriate item)

- [] EPO search report that is in the English language,
- [] EPO search report that is not in the English language and that is accompanied also by an English language version of the EPO search report,

that issued on the corresponding European patent application.

Section 7B. Concise Explanation of Non-English Language Listed Information Items - English Language Version of EPO Search Report

Section 8. Translation(s) of Non-English Language Documents

[] Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

(complete the following, if applicable)

- [] No English language translations of the foreign language parents, publications or information or parts thereof are readily available, except for those listed above.
- [] The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

Section 9. Concise Explanation of English Language Listed Information Items (OPTIONAL)

Section 10. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the agent/attorney who signs below on the basis of the information:

- [] supplied by the inventor(s)
- [] supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- [X] in the agent/attorney's file

Respectfully submitted,

Jerry J. Dunlap, Reg. No. 17,146

DUNLAP, CODDING & ROGERS, P.C. P.O. Box 16370, Customer No. 30589

Oklahoma City, Oklahoma 73113

Telephone: 405/607-8600 Facsimile: 405/607-8686

Attorney for Applicant

Express Mail:

EV 402336975 US

Date Deposited:

02/17/2004

1

Sheet

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Complete if Known Substitute for form 1449A/PTO Application Number Not Yet Assigned INFORMATION DISCLOSURE Herewith Filing Date STATEMENT BY APPLICANT **First Named Inventor** Marvin A. Wallace Group Art Unit (use as many sheets as necessary) **Examiner Name** of 2 Attorney Docket Number 8328.001

| | U.S. PATENT DOCUMENTS | | | | | | | | |
|-----------------------|-----------------------|--|--|---|------------|--|--|--|--|
| Examiner Initials* | Cite No.1 | U.S. Patent Document Number Kind Code ² (if known) | | Name of Patentee or Applicant of Cited Document | | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | | |
| | AA | 975,457 | | E. L. Ransome | 11/15/1910 | | | | |
| | AB | 1,112,016 | | L. MacLachian | 09/29/1914 | | | | |
| | AC | 2,585,117 | | A. G. Gurries | 02/12/1952 | | | | |
| | AD | 3,471,953 | | H. M. Wyatt | 11/14/1969 | | | | |
| | AE | 3,776,318 | | Layton | 12/04/1973 | | | | |
| | AF | 5,533,283 | | Roth | 07/09/1996 | | | | |
| | AG | 6,139,223 | | Snyder | 10/31/2000 | | | | |
| | ĀН | | | Peterson | 08/14/2001 | | | | |
| | Al | | | McClure | 01/15/2002 | | | | |
| | AJ | 6,434,861 | | McCullough | 08/20/2002 | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| <u> </u> | | | | | | | | | |

| | | | | FORE | IGN PATENT DOCUMENT | rs | | | |
|-----------------------|--------------|---------------------|---------------------|------------------|----------------------------------|------------------------------|--|--|--|
| Examiner Initials* | Cite No.1 | Cite | F | oreign Patent Do | cument Kind Code ⁵ | Name of Patentee or | Date of Publication of | Pages, Columns, Lines, Where Relevant | |
| | | Office ³ | Number ⁴ | (if known) | Applicant of Cited Documer | Cited Document MM-DD-YYYY | Passages or Relevant Figures Appear | T | |
| | | | | | | | | + | |
| | | | | | | | | + | |
| | | | | | | | | | |
| | | | | | | | | + | |
| | | | | <u> </u> | | | | + | |
| | | | | | | | | | |
| | | | | | | | | \perp | |
| | | | | | | 1 | | 1 | |

| Examiner | Date | |
|-----------|------------|--|
| Signature | Considered | |

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Express Mail: Date Deposited:

EV 402336975 US

02/17/2004

PTO/SB/08B (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| Substit | ute for form 1449B/PT0 | | | Complete if Known | | |
|------------------------|------------------------|-------|------------------|-----------------------|-------------------|--|
| | | _ | | Application Number | Not Yet Assigned | |
| INF | ORMATION | A C | ISCLOSURE | Filing Date | Herewith | |
| STATEMENT BY APPLICANT | | | APPLICANT | First Named Inventor | Marvin A. Wallace | |
| 0.7 | | | / (| Group Art Unit | | |
| | (use as many s | sheel | 's as necessary) | Examiner Name | | |
| Sheet | 2 | of | 2 | Attomey Docket Number | 8328.001 | |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | | | | |
|---|--------------|---|----|--|--|--|
| Examiner Initials* | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T² | | | |
| | AA | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | 9 | | | |
| | | | | | | |
| Examine Signatur | er e | Date Considered | | | | |

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.